IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2079 OF 2005
WITH
WRIT PETITION NO.2089 OF 2005

Western Ministil Limited
and Anr. ...Petitioners.
Versus
The Bank of Rajasthan Ltd.,
and 3 Ors. ...Respondents.

....

Mr.Aspi Chinoy, Sr.Counsel with Mr.N.Engineer i/b. RMG Law Asso. for the Petitioners.
Mr.Dhirendra Sinha i/b. Paras Kuhad & Asso. for Respondent No.1.
Mr.K.N.Bhandary, Advocate for Respondent No.2.
Mr.G.G.Ketkar, Ist Asst. to Official Assignee, present for Respondent No.3.

....

CORAM : **F.I.REBELLO AND**
SMT.V.K.TAHILRAMANI,JJ.

DATED : **JULY 21, 2006.**

P.C.:

1. Rule. Heard forthwith.

2. The petitioners by the present Petitions are impugning the orders of DRT and DRAT. It is not necessary to set out the facts in detail for the view to be taken. The petitioners before the DRAT had raised a contention that the L.C. in

terms of which the Bills were to be drawn contained a stipulation that it would be without recourse. That point, though urged and argued before the Tribunal, has not been decided by the Tribunal. In the submission of the petitioners, if their contention was accepted then there would be no liability on them as drawers of the Bills of Exchange.

3. Considering that controversy though specifically raised has not been decided, in our opinion, ends of justice would be met if the order dated 31st December, 2004 of DRAT insofar as the petitioners alone are concerned is set aside. The matter is being remitted to the Tribunal to answer this specific issue. We are not interfering presently on the findings of the other points. If the petitioners are still aggrieved by the order passed hereinafter by DRAT, it will be open to them to urge all points as presently raised in this Petition, on the findings earlier recorded by DRAT in its order dated 31st December, 2004. The DRAT is directed to decide the same at any rate

not later than three months from today. In the meantime, the security furnished by the petitioners herein will continue pending the final hearing and disposal of the appeal and further for a period of eight weeks thereafter.

4. Rule made absolute accordingly. However, there shall be no order as to costs.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]